IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8620 OF 2003

Shri Vithal Sahakari Sakhar Karkhana Ltd. ..Petitioner

Vs.

The Assistant Provident Fund Commissioner, SRO, Solapur & anr. ..Respondents

Mr. Ranjit V. More for petitoner.
Ms. S.V. Bharucha for respnodent no.1.

CORAM: B.H. MARLAPALLE, J.

Date : August 18, 2006.

P.C.:

1. Heard Mr. More the learned counsel for the petitioner and Ms. Bharucha the learned counsel for the respondent no.1.

2. The petitioner has an alternative remedy of filing an appeal under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 and when such a statutory remedy is available, this petition need not be entertained.

3. The petitioner-Karkhana is, therefore, relegated to the remedy of appeal and the petition is

disposed off as not maintainable with liberty to file an appeal.

4. The stay granted by this court to the order dated 4/11/2003 will be continued for a period of eight weeks subject to the petitioner remitting 50% of the recovery amount with the respondent no.1 within a period of two weeks from today.

(B.H. Marlapalle,J.)